

DRIVING UNDER THE INFLUENCE OF ALCOHOL SENTENCING MATRIX

(Current as of September 2006)

	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	THIRD OR SUBSEQUENT OFFENSE WITHIN 10 YEARS
CLASSIFICATION (§ 41-6a-503)	CLASS B MISDEMEANOR BECOMES A CLASS A: <ul style="list-style-type: none"> • if bodily injury inflicted • if passenger is under 16 • if passenger is under 18 and driver is 21 or older Third degree felony: <ul style="list-style-type: none"> • if serious bodily injury 	CLASS B MISDEMEANOR BECOMES A CLASS A: <ul style="list-style-type: none"> • if bodily injury inflicted • if passenger under 16 • if passenger is under 18 and driver is 21 or older Third degree felony <ul style="list-style-type: none"> • if any prior felony DUI conviction or automobile homicide conviction • if serious bodily injury 	3rd DEGREE FELONY
SENTENCING Jail – SHALL order: (§ 41-6a-505)	48 consecutive hours OR 48 hours compensatory service OR electronic home confinement*	240 consecutive hours OR 240 hours compensatory service OR electronic home confinement*	0-5 year prison term OR 1,500 hours jail (62.5 days) May also require electronic home confinement*
Fine - SHALL order: (§ 41-6a-505)	\$700 minimum plus surcharge	\$800 minimum plus surcharge	\$1,500 minimum, unless 0-5 prison term is imposed
Other - SHALL order: (§ 41-6a-505)	<ul style="list-style-type: none"> • Screening • Assessment (if found appropriate by the screening) • Educational Series, unless treatment is ordered • MAY order treatment 	<ul style="list-style-type: none"> • Screening • Assessment (if found appropriate by the screening) • Educational Series, unless treatment is ordered • MAY order treatment 	<ul style="list-style-type: none"> • Screening • Assessment • Intensive treatment or inpatient treatment and aftercare for not less than 240 hours
Probation: (§ 41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock: (§ 41-6a-518)	<ul style="list-style-type: none"> • MAY order ignition interlock • SHALL order interlock if under 21 	<ul style="list-style-type: none"> • MAY order ignition interlock • SHALL order interlock if under 21 	<ul style="list-style-type: none"> • MAY order ignition interlock • SHALL order interlock if under 21
High BAC: (.16 or higher): (§ 41-6a-505)	<ul style="list-style-type: none"> • SHALL order supervised probation • If no treatment, interlock or home confinement, reasons must be stated on the record 	<ul style="list-style-type: none"> • SHALL order supervised probation • If no treatment, interlock or home confinement, reasons must be stated on the record 	<ul style="list-style-type: none"> • SHALL order supervised probation if 0-5 prison term is not imposed • If no treatment, interlock or home confinement, reasons must be stated on the record
License Suspension: (§ 41-6a-509)	Court MAY order additional 90 days, 180 days, 1 year or 2 years	Court MAY order additional 90 days, 180 days, 1 year or 2 years	Court MAY order additional 90 days, 180 days, 1 year or 2 years

*See § 41-6a-506 for Electronic Home Confinement provisions